UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _11-3-2010_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1,4,22,23,25-37 and 39-41_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1,4,22,23,25-37 and 39-41_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _08 February 2002_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3

November 2010 has been entered.

Response to Arguments

Applicant's arguments, see the first half of page 10 particularly regarding the

"generates downloadable instructions" limitation (see, e.g., lines 19-21 of claim 22), filed

3 November 2010, with respect to the rejections of **claims 22 and 36** under 102(e) have

been fully considered and are persuasive (see the Interview Summary dated 25 October

2010). Therefore, the rejection has been withdrawn. However, upon further

consideration, a new ground(s) of rejection is made in view of Logan et al (US Patent

7,055,166 -- see full rejection below).

Applicant's arguments filed 3 November 2010 have been fully considered but

they are not persuasive in regards to the arguments presented on pages 10-11

("generating an edited set of data corresponding to editing steps for assembly of the

edited video program") as well as the arguments on page 13 ("…claims 1 and 4

distinguish over Novak and Ellis for the same reasons as those discussed above in regard to claims 22 and 36.").

On pages 10-11 of the remarks, Applicant argues, "Novak does not disclose generating an edited set of data corresponding to editing steps for assembly of the edited video program," and further "...there is no disclosure that the Novak reference generates an edited set of data corresponding to editing steps for assembly of the edited video program (or that it transmits this edited set of data to the media server)." The examiner respectfully disagrees, and notes that the argued limitation is essentially equivalent to now-canceled claim 5 (which was previously rejected in the previous Office Action), the rejection of which clearly shows that this is taught by Novak (see column 9, lines 4-36: "...a bookmark 406 defining each marked point of interest is generated...Alternatively, a bookmark 406 may be embodied as a frame index, offset, chapter reference, scene reference, or other non-time positional indicator within the media program. In certain embodiments, a bookmark 406 may include a directive to a playback device 404 to skip to a particular time or position within the media program...The bookmarks may include additional information, such as commentary by a user of the editing device 402. The additional information may be text, a hyperlink, an image, audio, or video."; see column 11, lines 16-30: "Actions 606 correspond to various operation that may be performed on or in connection with a media program represented by the PIO 602...Another action may skip to a time or position indicated by a bookmark 406 during presentation of the media program. Actions 606 may be embodied, for example, as program code in a machine-independent format, such as

Java or Javascript. Attributes 604 contains information about the media program being

represented...In addition, one or more attributes 604 may be used to store bookmarks

406."). Since these Actions affect the presentation of the media program (i.e., "edited

set of data correspond to editing steps") and are included with the bookmarks that are

sent to the editing device (see column 11, lines 3-7: "Various other techniques may be

used to transmit bookmarks 406 from an editing device 402 to a playback device

404...involves embedding one or more bookmarks 406 within a program interface object

(PIO) 602."), the examiner maintains that these cited sections of Novak read on the

limitations of the claim.

On page 13 of the remarks, Applicant argues "Claim 1 as amended recites

similar limitations as claims 22 and 36...claims 1 and 4 distinguish over Novak and Ellis

for the same reasons as those discussed above in regard to claims 22 and 36." The

examiner respectfully disagrees, and notes that a careful reading of claim 1 reveals that

nowhere does the claim say the downloadable instructions cause a *server* to do

anything (but instead are merely "configured to" undergo various actions), nor must they

be generated at a home media server, STB, or equivalent. Rather, all that is required is

that the downloadable instructions are "generated by a media producer," and that they

are comprised in "a home media server content management and processing system"

which is so broad that it can be reasonably interpreted to comprise multiple machines,

users, and embodiments. Therefore, since the same reasoning does not apply and

Novak has been shown to read on these limitations (see e.g. the previous action dated

3 June 2010), the examiner maintains the rejection of claim 1 under Novak.

A full rejection of the pending claims appears below.

Claim Objections

Claim 1 is objected to because of the following informalities: line 19 refers to "the downloadable instruction are," which neither makes grammatical sense nor has proper antecedent basis. The examiner interprets this to mean "the set of downloadable instructions are." Appropriate correction is required.

Claim 22 is objected to because of the following informalities: at approximately line 20, the word "bid" is misspelled as "bib." Appropriate correction is required.

Claim 36 is objected to because of the following informalities: lines 6-7 refer to "the analysis data from a media producer," but this lacks proper antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Novak et al (US Patent 7,032,177), hereinafter referred to as Novak.

Regarding **claim 1**, Novak discloses a home media server content management

and processing system (see column 8, lines 24-26: "…a system 400 for creating and

distributing personalized editions of media programs."; see also figure 4 particularly the

entirety of the figure), comprising:

an editing platform running editing software (see column 8, lines 30-54: "The

editing device 402 may be linked to the playback device 404 by a network such as a

broadband network 101, a wireless network, or the internet 112…The bookmarks 406

may define points of interest within a media program, and may be used by the playback

device 404 to selectively skip fro one point of interest to another during playback of the

media program"; see also figure 4 particularly Editing Device 402 and figure 5

particularly Editing Device 402);

a database, contained in the editing platform, to store media producer specified

multi-media content (see column 8, lines 39-40: "…a copy of the media program is

received by the editing device 402" wherein if the editing device is able to receive and

store a copy of the media program hen there must be some type of

memory/database/storage means comprised within; and further as disclosed at column

8, lines 24-29: "…editing device 402…may be embodied as STB 102" which as shown

in figure 3 comprises Memory 306 as well as Storage Device 310);

a set of downloadable instructions and data generated by a media producer to

assemble an edited video program using a plurality of segments of the multi-media

content (see column 8, lines 35-38: "The bookmarks 406 may define points of interest

within a media program and may be used by the playback device 404 to selectively skip

from one point of interest to another during playback of the media program."; see

column 9, lines 14-37: "...a bookmark 406 defining each marked point of interest is

generated. As previously noted, a bookmark 406 may be embodied as a time

index...Alternatively, a bookmark 406 may be embodied as a frame index, offset,

chapter reference, scene reference, or other non-time positional indicator within the

media program...The bookmarks may include additional information, such as

commentary by a user of the editing device 402.");

    a network to distribute the multi-media content, the set of downloadable

instructions, and the data generated by the media producer to home media servers (see

column 8, lines 30-35: "The editing device 402 may be linked to the playback device

404 by a network such as a broadband network 101, a wireless network, or the internet

112.");

    a home media server to receive the multi-media content, the set of downloadable

instructions, and the data generated by the media producer from the editing platform via

the network, wherein the home media server emulates assembly of the edited program

using the multi-media content, the set of downloadable instructions and the data

generated by the media producer, and displays the assembled edited program on a

monitor (see column 10, lines 35-38: "The received bookmarks 406 may then be used

during presentation of the media program by the playback deice 404 to present a

personalized edition of the media program, e.g., a personalized path through the

program."; see also figure 3 particularly STB 102 and Storage Device 310; figure 4

particularly Bookmarks 406 being transferred over Broadband Network/Internet 101/112

to Playback Device 404; figure 7 particularly Bookmarks 406 being transferred via

Editing Device 402 and Playback Device 404 and further wherein the corresponding text

for the figure discloses "the media program is presented by a presentation component

714" at e.g. column 12, lines 38-39; and see also figure 14 particularly steps 1402,

1404, 1406, 1408, 1410, 1412 and 1414 which show the method by which a

personalized edition of a media program is created and distributed),

wherein the downloadable instruction are configured to search, bid for, obtain

rights to, and obtain media content associated with the edited video program (see

column 2, lines 59-63: "The playback device then accesses a copy of the media

program from the same or a different source as the editing device. For example, the

playback device may access a copy of the media program on a DVD or may

independently record the media program from a broadcast medium."; see column 8,

lines 24-47: "...a system 400 for creating and distributing personalized editions of media

programs...The editing device 402 may be linked to the playback device 404 by a

network such as a broadband network 101, a wireless network, or the internet

112...The bookmarks 406 may define points of interest within a media program, and

may be used by the playback device 404 to selectively skip fro one point of interest to

another during playback of the media program."; see also figure 4, particularly the

entirety of the figure. The examiner notes that the limitations of the claim were

previously refuted and explained in the previous Final Rejection dated 3 June 2010, on

page 2 of the Office Action; these remarks are not repeated here.).

Regarding **claim 4**, Novak discloses everything claimed as applied above (see

claim 1). Further, Novak discloses wherein the assembled edited video program is

stored in the home media server (see figure 14 particularly step 1412 which shows the

media program is accessed at the playback device and therefore must be stored in the

home media server).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 22-23, 25-30 and 34-37 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Novak et al (US Patent 7,032,177), hereinafter referred to as Novak,

in view of Logan et al (US Patent 7,055,166), hereinafter referred to as Logan.

Regarding **claim 22**, Novak discloses an editing platform (see column 8, lines

30-54: "The editing device 402 may be linked to the playback device 404 by a network

such as a broadband network 101, a wireless network, or the internet 112...The

bookmarks 406 may define points of interest within a media program, and may be used

by the playback device 404 to selectively skip from one point of interest to another

during playback of the media program"; see also figure 4 particularly Editing Device 402

and figure 5 particularly Editing Device 402), comprising:

a storage medium (see column 8, lines 39-40: "...a copy of the media program is received by the editing device 402" wherein if the editing device is able to receive and store a copy of the media program then there must be some type of memory/database/storage means comprised within; and further as disclosed at column 8, lines 24-29: "...editing device 402...may be embodied as STB 102" which as shown in figure 3 comprises Memory 306 as well as Storage Device 310); and

machine-readable code, stored on the storage medium, having instructions to receive a plurality of segments of video programs, each of the plurality of segments being identified by endpoints (see column 8, lines 35-38: "The bookmarks 406 may define points of interest within a media program and may be used by the playback device 404 to selectively skip from one point of interest to another during playback of the media program."; see column 9, lines 14-37: "...a bookmark 406 defining each marked point of interest is generated. As previously noted, a bookmark 406 may be embodied as a time index...Alternatively, a bookmark 406 may be embodied as a frame index, offset, chapter reference, scene reference, or other non-time positional indicator within the media program...The bookmarks may include additional information, such as commentary by a user of the editing device 402."; see column 3, lines 9-13: "...the editing device then generates bookmarks defining each designated excerpt. A bookmark may define a beginning point or an end point of an excerpt. Alternatively, a single bookmark may define both a beginning and end point of an excerpt.");

assemble the plurality of segments using the set of instructions to form the edited

video program (see column 8, lines 39-40: "…a copy of the media program is received

by the editing device 402.");

generate an edited set of data corresponding to editing steps for assembly of the

edited video program (see column 9, lines 4-36: "…a bookmark 406 defining each

marked point of interest is generated…Alternatively, a bookmark 406 may be embodied

as a frame index, offset, chapter reference, scene reference, or other non-time

positional indicator within the media program. In certain embodiments, a bookmark 406

may include a directive to a playback device 404 to skip to a particular time or position

within the media program…The bookmarks may include additional information, such as

commentary by a user of the editing device 402. The additional information may be

text, a hyperlink, an image, audio, or video."; see column 11, lines 16-30: "Actions 606

correspond to various operation that may be performed on or in connection with a

media program represented by the PIO 602...Another action may skip to a time or

position indicated by a bookmark 406 during presentation of the media program.

Actions 606 may be embodied, for example, as program code in a machine-

independent format, such as Java or Javascript. Attributes 604 contains information

about the media program being represented...In addition, one or more attributes 604

may be used to store bookmarks 406.");

store the edited video program on the editing platform (see column 8, lines 39-

40: "…a copy of the media program is received by the editing device 402."),

analyze endpoint frames of each segment used in the assembly of the edited

program, said analysis resulting in analysis data stored on the editing platform (see

column 3, lines 9-13: "…the editing device then generates bookmarks defining each

designated excerpt. A bookmark may define a beginning point or an end point of an

excerpt. Alternatively, a single bookmark may define both a beginning and end point of

an excerpt."),

generate analysis data corresponding to the endpoint frames of each segment

used to create edited video program (see column 3, lines 9-13: "…the editing device

then generates bookmarks defining each designated excerpt. A bookmark may define a

beginning point or an end point of an excerpt. Alternatively, a single bookmark may

define both a beginning and end point of an excerpt."),

generate downloadable instructions…(see column 9, lines 4-36: "…a bookmark

406 defining each marked point of interest is generated…Alternatively, a bookmark 406

may be embodied as a frame index, offset, chapter reference, scene reference, or other

non-time positional indicator within the media program. In certain embodiments, a

bookmark 406 may include a directive to a playback device 404 to skip to a particular

time or position within the media program…The bookmarks may include additional

information, such as commentary by a user of the editing device 402. The additional

information may be text, a hyperlink, an image, audio, or video."; see column 11, lines

16-30: "Actions 606 correspond to various operation that may be performed on or in

connection with a media program represented by the PIO 602...Another action may skip

to a time or position indicated by a bookmark 406 during presentation of the media

program. Actions 606 may be embodied, for example, as program code in a machine-

independent format, such as Java or Javascript. Attributes 604 contains information

about the media program being represented...In addition, one or more attributes 604

may be used to store bookmarks 406."); and,

distribute the downloadable instructions, the edited set of data and the analysis

data to a home media server (see column 10, lines 35-38: "The received bookmarks

406 may then be used during presentation of the media program by the playback deice

404 to present a personalized edition of the media program, e.g., a personalized path

through the program."; see also figure 3 particularly STB 102 and Storage Device 310;

figure 4 particularly Bookmarks 406 being transferred over Broadband Network/Internet

101/112 to Playback Device 404; figure 7 particularly Bookmarks 406 being transferred

via Editing Device 402 and Playback Device 404 and further wherein the corresponding

text for the figure discloses "the media program is presented by a presentation

component 714" at e.g. column 12, lines 38-39; and see also figure 14 particularly steps

1402, 1404, 1406, 1408, 1410, 1412 and 1414 which show the method by which a

personalized edition of a media program is created and distributed).

However, although Novak discloses generating downloadable instructions,

Novak fails to disclose the downloadable instructions configured to request a server to

search, bib for, obtain rights to and obtain media content associated with the edited

video program. The examiner maintains that it was well known to include these

limitations, as taught by Logan et al (US Patent 7,055,166), hereinafter referred to as

Logan.

In a similar field of endeavor, Logan discloses the downloadable instructions

configured to request a server to search, bib for, obtain rights to and obtain media

content associated with the edited video program (see column 8, lines 15-18: "In the

case of Internet downloads, or other forms of video-on-demand, there is no local

storage of content. The storage takes place at a commonly shared server, which then

'dishes' out the content on demand."; see column 10, lines 15-19: "The editing unit 42

can generate, in response to the monitored broadcast programming signal, a marking

signal that can provide instructions for modifying the broadcast programming signal.";

see column 9, lines 43-44: "...the processor 34 is a set-top box..."; see column 12, line

61 through column 13, line 1: "...the broadcaster itself, instead of an editor at the

monitoring station, may generate marking signals...may be embedded in the

programming itself...or by overlaying the marking signal data directly on the

programming signal."; see column 17, lines 51-53: "The reordered and edited broadcast

programming signal can be transmitted to the processor 34 and sent to the

decompressor unit 30 for display..."; see column 19, lines 7-12: "Accordingly, an

operator at processor 80 can select from the Web site certain programs that the

operator wishes to record and the Web site 92 can download a marking signal that

provides instructions for controlling the recording and editing of the selected broadcast

programming signal."; see column 19, lines 23-28: "The depicted system 100 can

generate a proprietary program signal by operation of the processor 104 that accesses

a splicing processor for generating the proprietary program signal from the broadcast

signal received by the receiver element 12, and from computer-readable data stored

within either of the databases 108 or 102."; see column 19, line 42 through column 20

line 2 with particular emphasis on column 19, lines 49-52: "The program can direct the

CPU 114 to manipulate the data stored in the data memory 112 and to collect further

data from the local database 108 and/or the remote database 102.").

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the apparatus of Novak to include the teachings

of Logan for the purpose of increasing the utility of the programming signal being

broadcast (see column 12, lines 63-65 of Logan) as well as generating a proprietary

program signal having features and information tailored to the preferences of a

particular audience member (see column 7, lines 52-55 of Logan).

Regarding **claim 23,** the combination of Novak and Logan discloses everything

claimed as applied above (see claim 22). Further, Novak discloses wherein each set of

said endpoint segments assigned a segment identification (ID) number (see column 14,

lines 10-13: "...a visual indication 1002 of order, such as a number, may be displayed

above, or near, a visual representation 1004 of each excerpt 902 on the status bar

516."; see column 9, lines 21-23: "Alternatively, a bookmark 406 may be embodied

as...non-time positional indicator within the media program," wherein the non-time

positional indicator reads on the claimed "segment identification number"; see also

figure 10 particularly Items 902 being number 1, 2 and 3.).

Regarding **claim 25**, the combination of Novak and Logan discloses everything

claimed as applied above (see claim 22). Further, Novak discloses wherein generation

of the set of instructions for assembly of the edited video program includes manipulating

and sequencing of the plurality of segments by the media producer using the editing

software program, said manipulation including creating and storing a set of manipulation

instructions, said sequencing including producing and storing a sequence order (see

column 10, lines 49-61: "…multiple bookmarks 406 may be placed in sequential

order…a user of the editing device 402 may have intended to create a non-linear or

non-chronological path through the media program. In such a case, an indication of the

order may be sent with the bookmarks 406, which may be used or ignored by the

playback device 404, as desired.").

Regarding **claim 26**, the combination of Novak and Logan discloses everything

claimed as applied above (see claim 25). Further, the limitations of the claim are

rejected in view of the explanation set forth in claim 25 above (wherein the reordering of

segments reads on "effecting the plurality of segments" as well as "to create

transitions.").

Regarding **claim 27**, the combination of Novak and Logan discloses everything

claimed as applied above (see claim 25). Further, the limitations of the claim are

rejected in view of the explanation set forth in claims 22, 23 and 25 above (wherein

claim 22 discloses the actual production of the edited program via editing software and

manipulation instructions and, claim 23 discloses segment identification numbers, and

claim 25 discloses a sequence order.).

Regarding **claim 28**, the combination of Novak and Logan discloses everything

claimed as applied above (see claim 25). Further, the limitations of the claim are

rejected in view of the explanation set forth in claim 22 above (see, e.g., column 8, lines

30-32 and 40-41: "...Internet 112...the media program may be any type of audio and/or video program...").

Regarding **claim 29**, the combination of Novak and Logan discloses everything claimed as applied above (see claim 25). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 22 above (see, e.g., column 9, lines 21-23: "Alternatively, a bookmark 406 may be embodied as a frame index, offset, chapter reference, scene reference, or other non-time positional indicator within the media program.").

Regarding **claim 30**, the combination of Novak and Logan discloses everything claimed as applied above (see claim 25). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 22 above (see, e.g., column 8, lines 39-40: "...a copy of the media program is received by the editing device 402" as well as column 10, lines 30-31: "...a copy of the same media program is also accessed by the playback device 404.").

Regarding **claim 34,** the combination of Novak and Logan discloses everything claimed as applied above (see claim 25). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 22 above.

Regarding **claim 35,** the combination of Novak and Logan discloses everything claimed as applied above (see claim 25). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 22 above.

Regarding **claim 36**, the examiner notes that the first two limitations of the claim (i.e., "a storage medium" and "machine-readable code...") are merely a broader version

of the apparatus outlined in claim 22 above, and is therefore rejected in view of the explanation set forth in claim 22 above.

Further, Novak discloses emulate assembly of the edited video program using the media content obtained utilizing the downloadable instructions files and the edited set of data (see the rejection of claim 22 above as well as column 2, lines 59-63: "The playback device then accesses a copy of the media program from the same or a different source as the editing device. For example, the playback device may access a copy of the media program on a DVD or may independently record the media program from a broadcast medium."; see also column 8, lines 30-54: "The editing device 402 may be linked to the playback device 404 by a network such as a broadband network 101, a wireless network, or the internet 112...The bookmarks 406 may define points of interest within a media program, and may be used by the playback device 404 to selectively skip from one point of interest to another during playback of the media program"; see also figure 4 particularly Editing Device 402 transferring Bookmarks 406 via Internet 112 to Playback Device 404).

Regarding **claim 37,** the combination of Novak and Logan discloses everything claimed as applied above (see claim 36). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 36 above.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Novak et al (US Patent 7,032,177), hereinafter referred to as Novak, in view of Logan et al (US Patent 7,055,166), hereinafter referred to as Logan, in view of well-known prior art (see MPEP 2144.03).

Regarding **claim 31**, Novak discloses wherein the media files are stored in

various media formats, where video is stored as MPEG4 (see column 5, lines 41-47:

"Various MPEG standards are known...MPEG-4..."). However, even though Novak

teaches that the media program may include any type of audio and/or video program

(see column 2, lines 35-36), Novak fails to explicitly teach audio is stored as MP3.

Official Notice is taken that both the concept and the advantages of audio is stored as

MP3 are well known in the art. Thus, it would have been obvious to one of ordinary skill

in the art at the time the invention was made to store the audio as MP3 files in the

system taught by Novak and Logan, because said practice is conventional and provides

a means of making more efficient use of a finite recording capacity through utilization of

a lossy compression scheme, which would result in a user being able to store more

data.

Claims 32 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Novak et al (US Patent 7,032,177), hereinafter referred to as Novak, in view of

Logan et al (US Patent 7,055,166), hereinafter referred to as Logan, in view of Ellis et al

(US Patent 5,436,653), hereinafter referred to as Ellis.

Regarding **claim 32**, the combination of Novak and Logan discloses everything

claimed as applied above (see claim 22). However, the combination of Novak and

Logan fails to disclose wherein the analysis includes a fast fourier transform (FFT) of

each end point frame to form media producer fast fourier transform (FFT) data, or a

decimation of each end point frame to form media producer decimated data. The

examiner maintains that it was well known to include the missing limitations, as taught

by Ellis.

In a similar field of endeavor, Ellis discloses wherein the analysis includes a fast

fourier transform (FFT) of each end point frame to form media producer fast fourier

transform (FFT) data, or a decimation of each end point frame to form media producer

decimated data (see column 10, lines 15-32: "The video and audio signals are

thereafter supplied to the segment recognition subsystem 26, wherein frame signatures

for each of the video and audio signals are generated which are thereafter compared to

stored key signatures to determine if a match exists…The segment recognition

subsystem also produces cues which represent signal events, such as a video fad-to-

black or an audio mute. The cues as well as match information are supplied to the

control computer 30 for use in determining whether the received signal represents a

new segment or commercial of interest…for grouping match information for storage in a

database."; see column 12, lines 40-53: "…each difference vector 150 is subjected to a

sequence of vector transformations described hereinbelow which yield a corresponding

sixteen-element transformed or resultant vector…"; see column 20, lines 13-17: "The

digitized audio…is supplied to the transformation and signature extraction module 206

which utilizes a Fast Fourier Transform (FFT) process for generating audio frame

signatures and corresponding mask words.").

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the combination of Novak and Logan to include

the teachings of Ellis for the purpose of improving recognition accuracy and system

efficiency in recognizing broadcast segments (see column 4, lines 10-12 of Ellis).

Regarding **claims 39-41**, the limitations of the claims are rejected in view of the

explanation set forth in regards to claim 32 above (wherein Ellis teaches the claimed

FFT of each frame of content data, and further wherein this data also reads on the

claimed "decimated data" of claim 41).

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Novak

et al (US Patent 7,032,177), hereinafter referred to as Novak, in view of Logan et al (US

Patent 7,055,166), hereinafter referred to as Logan, in view of Ellis et al (US Patent

5,436,653), hereinafter referred to as Ellis, in view of well known prior art (see MPEP

2144.03).

Regarding **claim 33**, the combination of Novak, Logan and Ellis discloses

everything claimed as applied above (see claim 32). However, the combination of

Novak, Logan and Ellis fails to disclose wherein a video frame is represented by a two-

dimensional fast fourier transform (FFT), and a audio frame is represented by a one-

dimensional fast fourier transform (FFT). Official Notice is taken that both the concept

and the advantage of representing video frames by a two-dimensional FFT and audio

frames by a one-dimensional FFT are well known and expected in the art. Thus, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to utilize said feature within say system taught by Novak, Logan and Ellis,

because said practice is conventional and provides a means of reducing the required

computations, thus resulting in a faster overall system.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lee (US PgPub 2002/0073220) discloses a method of transmitting multimedia contents from the internet to client systems.

Thai (US PgPub 2002/0114613) discloses audio/video editing in digital network recorders.

Ochiai et al (US Patent 6,757,482) discloses method and device for dynamically editing received broadcast data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC DAZENSKI whose telephone number is (571) 270-5577. The examiner can normally be reached on M-F, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter-Anthony Pappas can be reached on (571) 272-7646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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